

House File 161

H-1017

1 Amend the amendment, H-1002, to House File 161, as follows:

2 1. By striking page 1, lines 1 through 19, and inserting:

3 <Amend House File 161 as follows:

4 1. By striking everything after the enacting clause and  
5 inserting:

6 <Section 1. Section 147.136A, subsection 1, paragraph b,  
7 Code 2023, is amended to read as follows:

8 *b. (1) "Noneconomic damages" means damages arising from*  
9 *pain, suffering, inconvenience, physical impairment, mental*  
10 *anguish, emotional pain and suffering, loss of chance, loss of*  
11 *consortium, or any other nonpecuniary damages.*

12 *(2) (a) "Noneconomic damages" does not include any of the*  
13 *following:*

14 *(i) The loss of dependent care, including the loss of child*  
15 *care, due to the death of or severe injury to a spouse or*  
16 *parent who is the primary caregiver of a child under the age of*  
17 *eighteen or a disabled adult.*

18 *(ii) The death of a viable, unborn child for which a fetal*  
19 *death certificate is issued pursuant to section 144.29.*

20 *(b) Such damages shall be considered economic damages.*

21 Sec. 2. Section 147.136A, subsection 2, Code 2023, is  
22 amended to read as follows:

23 2. ~~The Subject to subsection 4, the total amount recoverable~~  
24 ~~in any civil action for noneconomic damages for personal injury~~  
25 ~~or death, whether in tort, contract, or otherwise, against a~~  
26 ~~health care provider shall be limited to two hundred fifty~~  
27 ~~thousand five million dollars for any occurrence resulting~~  
28 ~~in injury or death of a patient regardless of the number of~~  
29 ~~plaintiffs, derivative claims, theories of liability, or~~  
30 ~~defendants in the civil action, unless the jury determines that~~  
31 ~~there is a substantial or permanent loss or impairment of a~~  
32 ~~bodily function, substantial disfigurement, or death, which~~  
33 ~~warrants a finding that imposition of such a limitation would~~  
34 ~~deprive the plaintiff of just compensation for the injuries~~  
35 ~~sustained.~~

1     Sec. 3. Section 147.136A, Code 2023, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 4. The limitation on damages contained  
4 in subsection 2 shall increase by two and one-tenth percent  
5 on January 1, 2028, and each January 1 thereafter. In any  
6 civil action described in this section, such limitation on  
7 damages shall be the amount effective at the time of the  
8 occurrence. The commissioner of insurance shall publish the  
9 amount of the limitation on damages contained in this section  
10 on the insurances division's internet site and shall update the  
11 published amount annually.

12     Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate  
13 importance, takes effect upon enactment.

14     Sec. 5. APPLICABILITY. This Act applies to causes of action  
15 accrued on or after the effective date of this Act.>>

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JONES of Clay

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LOHSE of Polk